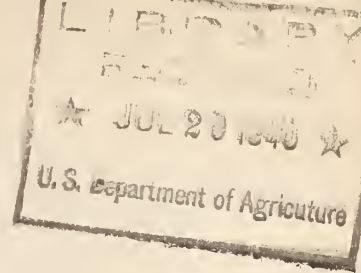


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UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF AGRICULTURAL ECONOMICS
Land Economics Division

Bulletin 56

DIGEST OF OUTSTANDING FEDERAL AND STATE LEGISLATION
AFFECTING RURAL LAND USE

Washington, D. C.
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FEDERAL LEGISLATION - BILLS INTRODUCED

Agricultural Adjustment

Cotton Allotments. (H.R. 9709). Would amend the Agricultural Adjustment Act of 1938 with respect to cotton so that the amount of the allotment which the Secretary may apportion among farms on the basis of "fairness and equity" would be increased from 3 percent to 10 percent (the basic apportionment of 5 acres or less is to be made first, the apportionment of 90 percent of the remainder next and the apportionment of 10 percent by the Secretary last). The time for claiming refunds on wrongfully collected penalties (on the sale of wheat, cotton or rice) would be extended from one to two years. Furthermore, a person who has earned an agricultural adjustment or conservation payment which was made to another would be entitled to the payment notwithstanding the fact that he did not apply during the proper period. (Mr. Jones, May 8, Committee on Agriculture).

Lettuce and Melon Marketing Quotas. (H.R. 9799, 9801, S.4007). Would extend the application of the Agricultural Adjustment Act of 1938, to lettuce and melons by providing for quotas, allotments, referenda and penalties. (Mr. Buck, and Mr. Izac, May 17; Mr. Johnson, May 20; Committees on Agriculture and Forestry).

General Amendments. (H.R. 9819). Proposes a number of changes in the Soil Conservation and Domestic Allotment Act and in the Agricultural Adjustment Act of 1938, chief among which, are the following: (1) would dispense with the re-determination of normal yields per acre for any county in the case of wheat or corn, if the actual average yield for the ten preceeding years differs less than five percent from the present base; (2) would exclude from the Agricultural Adjustment Act of 1938, the "normal yield provisions" for wheat; (3) would increase from three to ten percent, the amount of the cotton allotment which the Secretary of Agriculture may apportion among farms on the basis of fairness and equity; (4) would extend from one to two years, the time within which refunds on wrongfully collected penalties may be claimed in the case of wheat, cotton or rice sales; (5) when persons entitled to conservation and parity payments die or when they are succeeded by others who complete the required performance, the Secretary would be required to make such payments as he deems fair and reasonable; (6) would direct the Commodity Credit Corporation, to lend funds for crop insurance premium advances, grants-in-aid under the Soil Conservation and Domestic Allotment Act, and payment of administrative expenses of county agricultural associations; and (7) would allow persons entitled to adjustment or conservation payments, which were paid to another, to receive those payments regardless of the time within which application was made. (Mr. Jones, May 20, Committee on Agriculture).

County Cotton-Acreage Allotments. (H.R. 9830). In determining the county cotton-acreage allotments to farms under the Agricultural Adjustment Act of 1938, non-producing farms which were allowed a

Agricultural Adjustment, cont.

state-acreage allotment under section 1344 (c) (2) would be excluded. The acreage allowed to such farms would be in addition to county and State allotments and the production on such acreage in addition to the national allotment, (Mr. Mahon, May 20, Committee on Agriculture).

Agricultural Adjustment - Tobacco

"Carry-over." (H.R. 9412). Proposes to exclude from the term "carry-over" as it refers to tobacco under the Agricultural Adjustment Act of 1938, any tobacco of the 1939 and 1940 crops which the Secretary of Agriculture determines to be stored temporarily in the United States by reason of the war, thus delaying normal exportation.

Increase in Marketing Quota. (H.R. 9413). Would amend the Agricultural Adjustment Act of 1938 so as to authorize the Secretary of Agriculture to increase the national marketing quota of tobacco by 20 percent if necessary to meet market demands. The present permissible increase is 10 percent. The Secretary would also be permitted to make the increase for the purpose of avoiding undue restrictions of marketing in adjusting the total supply to the reserve supply level.

Quota Referenda. (H.R. 9414). Would extend the tobacco quota referenda provisions of the Agricultural Adjustment Act of 1938 to include the question of whether farmers favored tobacco marketing quotas for the period of three years. Two-thirds of the farmers voting on this question must be favorable if the quotas are to become effective.

Carry-over From One Marketing Year to Another. (H.R. 9416). Proposes an amendment to the Agricultural Adjustment Act of 1938 which would allow tobacco producers to market tobacco carry-over from one year to another without penalty payments, provided that the total amount of tobacco available for marketing from the farm in the marketing year from which the tobacco is carried over, does not exceed the farm marketing quota established for the farm during that year; or if the tobacco thus carried over does not exceed the normal production of a number of acres determined by subtracting the harvested acreage of tobacco in the calendar year during which the marketing year begins, from the farm acreage allotment.

Tobacco Warehouse Report. (H.R. 9417). Would amend subsection A, Section 373, of the Agricultural Adjustment Act of 1938, a requirement that tobacco warehousemen make a complete and accurate report to the Secretary of Agriculture within fifteen days after notice to him of any violation. Failure to do so is punishable by an additional fine of \$100 for each 10,000 pounds of tobacco bought or sold after the date of the violation.

Agri. Adjust. - Tobacco, cont.

Burley and Flue-cured Tobacco Quotas. (H. R. 9418). Would amend the Agricultural Adjustment Act of 1938 so that in determining the national marketing quota for any of the three marketing years, 1941-1944, no reduction from the 1940-1941 national marketing quota of more than ten percent would be allowed. Farm acreage allotments would be determined by increasing or decreasing the allotments established in the last preceding year in which quotas were in effect in the same ratio as the national marketing quota is increased or decreased above or below the last preceding national marketing quota. The present provision with respect to marketing quotas limits reductions of the quota in any State to a point not less than 75 percent of the production of this type of tobacco in the State for 1937.

Consolidation of Amendments. (H.R. 9461 and 9700). These two bills represent a consolidation of the six foregoing amendments. All these bills were introduced by Mr. Cooley and all were referred to the Committee on Agriculture.

Connecticut Valley Shade-Grown Tobacco. (H.R. 9702, S. 3911). Would extend the marketing quota of the Agricultural Adjustment Act of 1938, to Connecticut Valley shade-grown tobacco. The "normal supply" of this type would be defined as a normal year's domestic consumption and exportation plus 125 percent thereof. A penalty of 25 cents per pound would be levied upon tobacco marketed in excess of the quota. (Mr. Flannagan and Mr. Maloney, May 8, Committees on Agriculture and Forestry).

Cigar Filler Tobacco. (S. 4034). Would amend subsection 15 of section 301 (b) of the Agricultural Adjustment Act of 1938, which defines tobacco, by placing cigar filler tobacco type 41 on a par with cigar filler types 32 to 46. (Mr. Maloney, May 23, Committee on Agriculture and Forestry).

Agriculture - General

Extending Crop Insurance to Tobacco. (H. R. 9558). Proposes an amendment to the Federal Crop Insurance Act which would extend its applicability to the tobacco crop planted for harvest in 1941. An additional \$6,000,000 would also be provided for administrative expenses. (Mr. Cooley, April 6, Committee on Agriculture).

Alcohol for Motor Fuel. (H. R. 9582). Would require that all motor fuel shipped in inter-state commerce during the year 1941, contain two percent of alcohol manufactured from agricultural products, the percentage to be gradually increased thereafter to a maximum of ten percent in 1945. Anyone transporting persons or property in inter-state commerce by a vehicle powered with an internal combustion engine, would be required to use motor fuels containing the same percentages of alcohol. (Mr. Tenerowicz, April 20, Committee on Foreign Commerce).

Agriculture - General, cont.

Advances for Crop Insurance. (H. R. 9594). Would authorize the Secretary of Agriculture in carrying out the provisions of the Soil Conservation and Domestic Allotment Act, to transfer to the Federal Crop Insurance Corporation, prior to the execution of applications for insurance or requests for advances by producers, the funds estimated as necessary to cover advances for crop insurance. (Mr. Fulmer, April 24, Committee on Agriculture).

Use of Customs Receipts by the Commodity Credit Corporation. (H.R. 9764). An Act of August 24, 1935, provided for an appropriation equal to 30 percent of the annual gross customs receipts to be used by the Secretary of Agriculture for encouraging exportation and domestic consumption of agricultural commodities and for making adjustments in the quantity of agricultural commodities planted or produced for market. The present bill proposes to amend that Act by making all annual gross customs receipts available to the Secretary for use in making payments to the Commodity Credit Corporation for reductions and partial cancellations of loans on agricultural commodities. The loans on each commodity would be reduced to an amount equal to the average world market price during the previous six months plus five percent. Payments would also be made to exporters of agricultural commodities at a rate per "equivalent unit" equal to the average production and loans. (Mr. Whittington, May 14, Committee on Agriculture).

Rural Employment. (H.R. 9910). Would direct the Secretary of Agriculture to undertake a comprehensive program of useful projects for conservation of soil, water and forestry resources designed to give work to unemployed persons in rural areas. \$43,500,000 would be appropriated for the fiscal year 1941 to meet needs now definitely established. Subsequently, the Secretary would be directed to report to Congress as to the annual sums necessary to carry out the purposes of this Act. (Mr. Voorhis, May 27, Committee on Agriculture).

Distribution of Farm Commodities to the American Red Cross. (H.R. 9971). Would require the Commodity Credit Corporation and the Surplus Commodities Corporation to deliver Government-owned commodities held by them to the American Red Cross for distribution to needy people in western Europe. A \$25,000,000 appropriation is proposed to reimburse the corporations for the market value of these commodities. (Mr. Cole, May 31, Committee on Agriculture).

Storing Surplus Cotton. (H. R. 9979). Would amend an Act approved August 11, 1939, which deals with the exchange of surplus agricultural commodities produced here for reserve stocks of strategic and critical materials produced abroad. This amendment would require that the Commodity Credit Corporation redistribute stored cotton between warehouses at ports and those not at ports so that the ratio of the amount stored at ports to the amount processed in

Agriculture - General, cont.

the United States from August 1, 1938, to July 3, 1939, substantially equals the ratio of amounts stored at ports to amounts exported. In storing cotton in warehouses not at ports, it would be required that the cotton first be reconcentrated in counties to which the highest loan rate is applicable on the latest cotton loan of the corporation. (Mr. Cooley, May 31, Committee on Banking and Currency).

Regional Agricultural Research Centers. (S. 3904). Would authorize the Secretary of Agriculture to establish five regional agricultural research centers. Their program of work would include research and demonstrations pertaining to (a) self-sufficing and part-time farming; (b) the application of technology and power-driven machinery to self-sufficing farm practices; (c) organization and operation of rural industrial plants; (d) preservation of varieties of plants and animals for use when new diseases occur or new commercial needs develop; and (e) suburban land use including the development of vegetable and flower gardens, fruit, shade, and ornamental trees and special problems of parkways and road landscaping. (Mr. Mead, May 1, Committee on Agriculture and Forestry).

Farm Credit

Mineral Rights on Foreclosed Lands. (H.R. 9290). In disposing of land acquired by Federal Land Banks or the Land Bank Commissioner, no mineral rights would be reserved and no charges made for those rights which, when added to the appraised value of the land exclusive of mineral rights, will exceed the total amount of advances and expenditures made in connection with the land. In disposing of land together with mineral rights, preference would be given to persons owning other rights to the land or desiring to purchase it for agricultural development. (Mr. Colmer, April 9, Committee on Agriculture).

Revision of the Farm Credit Law. (H.R. 9368). Proposes a permanent $3\frac{1}{2}$ percent interest rate on Federal Land Bank and Land Bank Commissioner loans and the unconditional guarantee of all farm loan bonds by the United States. No bonds would be issued in excess of the assets of the Federal Land Banks and all existing farm loan bonds which bear interest at a rate higher than the average rate of interest of other United States obligations, would be refinanced. Functions and responsibilities of National Farm Loan Associations and County Debt Adjustment Committees, would be increased. Provision would be made for refinancing farm mortgage debts over a period of 40 years. Re-purchase of foreclosed property would also be allowed in certain cases with the same 40-year reamortization period. The institution of foreclosure proceedings and taking of deficiency judgments on the part of Federal Land Banks would be curtailed. Limitations on the amounts which may be loaned on farms by Federal Land Banks, namely, 50 percent on the land and 20 percent of the improvements, would be changed to a general 75 percent limitation on the value of the real estate mortgaged. (Mr. Ferguson, April 12, Committee on Agriculture).

Farm Credit, cont.

Investment Loans. (H.R. 9750). Would direct the Secretary of the Treasury to make available a fund of \$3,000,000 by, (a) transfer of \$1,500,000,000 from the stabilization fund provided for in the Gold Reserve Act of 1934, and (b) the issue of silver certificates in the amount of \$1,500,000,000, pursuant to the terms of the Silver Purchase Act of 1934. This fund would be divided into three equal parts for use by the Federal Housing Administrator, the Commissioner of Public Works, and the Secretary of Agriculture.

The funds allotted to the Federal Housing Administrator would be made available as loans for housing construction in amounts not to exceed \$2000 per family unit and not to exceed 45 percent of the cost of the property. The allocations to the Commissioner of Public Works would be made available in the form of loans to both public and private agencies for financing projects which would provide new employment and which would be devoted to public uses. Amounts appropriated to the Secretary of Agriculture would be made available for the benefit of farm owners, farm tenants, farm laborers, sharecroppers and other individuals who obtain or recently obtained a major proportion of their income from farming. \$400,000,000 of this amount would be allocated to the construction and renovation of farm buildings, acquisition of farm equipment and for other rural rehabilitation purposes. \$500,000,000 would be used for the acquisition of farms under the terms of Title I of the Bankhead-Jones Farm Tenant Act. The remaining \$100,000,000 would be used to provide capital required of settlers on public lands under Federal reclamation projects and for the purchase and sale of other lands and interests within the project.

The Banking Act of 1935 would be amended by removing the maximum limitation of reserves which the Federal Reserve Board may require the member banks to carry and by providing that when a member bank is in need of reserves because of the increase required by the Board, the District Reserve Bank may be authorized to discount or purchase the assets of the needy bank, and its reserves may be increased.

Interest rates on loans provided for in the bill would be fixed at one percent; but if full employment is attained and an actual general shortage of labor is imminent, the President would be authorized to increase the interest rate to not more than two percent. (Mr. Voorhis, May 13, Committee on Banking and Currency).

Refinancing Farm Loan Boards. (H.R. 9843). Would amend the Federal Farm Mortgage Corporation Act by directing the Corporation to surrender to the Land Bank Commissioner all the farm loan bonds in its hands and to receive in exchange consolidated farm loan bonds of equal value. The yield on the new bonds could not exceed by more than one-fourth of one percent, the yield on similar bonds sold by the Corporation on the open market.

The Federal Farm Loan Act would also be amended so as to prohibit land banks from charging a higher rate of interest on farm loans than the average rate borne by all farm loan bonds upon which the banks were obligated during the preceding quarter. Federal Re-

Farm Credit, cont.

serve Banks would then be authorized to make advances to the land banks on the security of notes and mortgages given by borrowers. (Mr. Jones, May 21, Committee on Agriculture).

Feed and Seed Loans. (H.R. 9859). Would provide a six-year statute of limitations, dating from the last payment made on loans to farmers under the Farm Credit Act of January 29, 1937, and prior Acts of the same character. (Mr. Jones, May 22, Committee on Agriculture).

Commodity Credit Corporation. (H.R. 9926, 9931). Would increase the aggregate amount of obligations which the Commodity Credit Corporation may incur from \$900,000,000 to \$1,400,000,000. (Mr. Cooley, Mr. Steagall, May 28, Committee on Banking and Currency).

Debt Adjustment. (S. 3978). Upon the recommendation of the National Farm Loan Association through which a Federal Land Bank loan has been made, and upon the approval of the Governor of the Farm Credit Administration, adjustments would be permitted in the mortgage indebtedness of any delinquent Federal Land Bank borrower, provided it can be shown that the amount of the indebtedness is excessive and that the local association would sustain a loss in the event of foreclosure. (Mr. Wiley, April 30, Committee on Banking and Currency).

Federal Aid

Migratory Labor Camps. (H.R. 9528). Would authorize the Secretary of Agriculture to use some of the funds already provided for construction and operation of migratory labor camps to assist local governments in providing a public educational service for residents of the camp during the first year of operation. The bill specifically states that it has no intention of granting authority to the Secretary to make payments in lieu of taxes with respect to property occupied by the camp. (Mr. Elliott, April 25, Committee on Agriculture).

Public School Buildings and Equipment. (H. R. 9579). Would authorize an annual appropriation of \$50,000,000 for the next two fiscal years and of not to exceed \$100,000,000 for the next eight succeeding fiscal years, to provide a program of federal aid to States in connection with public school construction. 98 percent of the appropriation for the first two years and 99 percent of the remaining appropriation, would go to the Federal Works Agency for use in making construction grants. Each grant would be limited to 50 percent of the cost of the project and allocation of the funds to the States would be on the basis of population. The two percent balance for the first two years and the one percent balance for the remaining time, would be turned over to the Office of Education for administrative purposes. (Mr. Snyder, April 29, Committee on Education).

Flood Control

Preliminary Surveys. Preliminary flood control surveys of runoff and waterflow retardation as well as of soil erosion prevention measures, would be authorized in accordance with the provisions of the Flood Control Act approved June 22, 1936, on the following waterways:

(H.R. 9289). Redstone Creek and Dunlap Creek, Lafayette County, Pennsylvania. (Mr. Snyder, April 9).

(H.R. 9289). All streams in San Diego County, California, which flow into the Pacific Ocean. (Mr. Izac, April 9).

(H.R. 9330). Little Black River, Michigan. (Mr. Hook, April 10).

(H.R. 9597). Blind Creek in New York. (Mr. Gamble, April 30).

(H.R. 9598). Bronx River, New York. (Mr. Gamble, April 30).

(H.R. 9601). Sawmill River, New York. (Mr. Gamble, April 30).

(H.R. 9698). Gaudalupe River and its tributaries in California. (Mr. Anderson, May 8).

(H.R. 9699). Alhambra Creek and its tributaries in California. (Mr. Carter, May 8).

Boeuf Floodway and Eudora Floodway. (H. R. 9327). Proposes the abandonment of Boeuf Floodway as authorized by the Flood Control Act of May 15, 1928 and the Eudora Floodway, as provided for in Flood Control Committee Document No. 1, 74th Congress, First Session, and Public Law 678, 74th Congress. The "fuse plug" for both floodways would then be immediately constructed to the same grade and section as the levy opposite on the east side of the Mississippi River. (Mr. Kitchens, April 10, Flood Control Committee).

Reimbursement of the City of Springfield, Massachusetts. (H.R. 9378). Would authorize the Secretary of War to reimburse the City of Springfield, Massachusetts in the sum of \$418,643.44, which represents the amount expended by the City in flood control works on the Connecticut River. (Mr. Clason, April 15, Committee on Flood Control).

Rio Grande River. (H.R. 9442). Would authorize the expenditure of \$5,643,000 for the construction and maintenance of the Rio Grande River Valley Gravity Canal and storage flood control project, exclusive of the cost of upstream reservoirs. Plans for the project have already been prepared by the International Boundary Commission, United States and Mexico. (Mr. West, April 18, Committee on Foreign Affairs).

Flood control, cont.

Honechitto River. (H.R. 9486). Would authorize the expenditure of \$100,000 for additional channel improvements and related works for flood control on the Mississippi project, in accordance with plans approved by the Chief of Engineers. (Mr. McGhee, April 22, Committee on Flood Control).

Additional Construction of Flood Control Works. (H.R. 9640). Proposes an appropriation of \$191,000 to be used in carrying out improvements for navigation and flood control over a five-year period on 22 different river basins. \$6,000,000 would also be provided for preliminary surveys for flood control, runoff, waterflow retardation and soil erosion prevention on the watersheds of 26 additional streams. The Secretary of War would be given discretionary authority to receive advances of State funds for the prosecution of flood control work. (Mr. Whittington, May 2, Committee on Flood Control).

Liberty Bend in the Missouri River. (H.R. 9800). Would authorize the construction of cutoffs at this point in the Missouri River, for the purpose of protecting Kansas City from floods. The estimated cost, as indicated in House Document No. 722, 75th Congress, Third Session, is \$1,400,000. (Mr. Guyer, May 17, Committee on Flood Control).

Soil Conservation on Watersheds. (S. 3805). Proposes an appropriation of \$10,000,000 to be used by the Secretary of Agriculture in connection with waterflow retardation and soil erosion prevention measures on the watersheds of the Rio Grande and Pecos River in Texas, Fountain River in Colorado and Kickapoo River in Wisconsin. (Mr. Lee, April 17, Committee on Commerce).

Mississippi River Levy Grants. (S. 3913). Would amend the Flood Control Act of June 15, 1935, by authorizing the revision of grants along main line Mississippi River levees between the latitude of the Arkansas River and a point approximately 20 levy miles south of Deer Park, Louisiana. (Mr. Overton, May 2, Committee on Commerce).

Forestry

Sierra National Forest. (H.R. 9347). Would authorize an appropriation of \$300,000 to be used by the Secretary of Agriculture in purchasing certain lands in the Forest. Acquisition will be subject to approval by the National Forest Reservation Commission. (Mr. Gearhart, April 11, Committee on Public Lands).

Cache National Forest. (H.R. 9572). Proposes certain land additions to the Cache National Forest in Idaho. (Mr. Dworshak, April 9, Committee on Public Lands).

Superior National Forest. (H.R. 9671 and S. 3968). Would au-

Forestry, cont.

thorize the Secretary of Agriculture to purchase for National Forest purposes, a quantity of privately owned land lying within the Superior National Forest and the Kabetogama and Grand Portage Purchase Units. An appropriation of \$3,155,000 would be provided. (Mr. Youndahl, May 9; Mr. Shipstead, May 13, Committees on Agriculture).

Forest Conservation. (H.R. 9829). Would authorize an appropriation of \$20,000,000 to be expended by the Secretary of Agriculture on lands within the Angeles, San Bernardino, Los Padres, and Cleveland National Forests, or on non-arable land adjacent to these forests, lying within certain counties of the State of California. The money would be spent at the rate of \$2,000,000 per year and would be used to protect and develop the natural cover of the watersheds involved, to carry on reforestation activities, and to construct and maintain improvements for fire protection. (Mr. Izac, May 20, Committee on Agriculture).

Society of American Foresters. (S. 3872). Proposes the incorporation of the Society of American Foresters. Objects of the Society would be to stimulate and advance the science, practice, standards and knowledge of forestry in America, to provide media for the gathering and dissemination of forestry knowledge and other related objectives. (Mr. Wheeler, April 26, Committee on the Judiciary).

Indian Lands

Acquisition of Lands for the Parker Dam. (H. R. 9707). Would provide for the acquisition by the United States, of land allotted to Indians on the Fort Mohave Reservation in Arizona and the Chemehuevi Reservation in California, for use in connection with the construction of this dam and reservoir project. The Secretary of the Interior will be directed to determine the amounts of money to be paid to the Indians as compensation for rights granted. (Mr. Murdock, May 8, Committee on Indian Affairs).

Exchange of Lands. (H.R. 9808 and S. 3972). Would authorize the Secretary of the Interior, to exchange tribal lands for privately-owned mineral lands of approximately equal value, within the boundaries of the Navajo Indian Reservation in Arizona. (Mr. Murdock and Mr. Hayden, May 13 and 17, Committee on Indian Affairs).

The Utah Indian Project. (S. 3952). Would confirm action taken by the Secretary of the Interior in connection with the cancellation, deferment and adjustment of irrigation charges against land within this Utah Project. (Mr. Kind, May 9, Committee on Indian Affairs).

Interstate Compacts

Ohio River Valley. (H.R. 9775). Proposes to give Congressional consent to an interstate compact relating to the control and reduction of pollution of streams in the Ohio River Drainage Basin, which was negotiated under authority of Public Resolution 104, 74th Congress, and which has now been ratified by the States of New York, Illinois, Kentucky, Indiana, Ohio and West Virginia. (Mr. Spence, May 15, Committee on Rivers and Harbors).

Potomac Valley Conservancy District. (H. J. Res. 542). Proposes to give Congressional consent to the formation of an interstate compact to deal with problems of stream pollution in the Potomac River Valley. The States of Maryland, West Virginia, Virginia and Pennsylvania and the District of Columbia, would be signatories to the compact. (Mr. Smith, May 13, Committee on Rivers and Harbors).

Parks

Cumberland Gap National Historical Park. (H. R. 9394). Would set aside an area in Tennessee, Kentucky and Virginia containing a number of natural and historical points of interest, to be known as the Cumberland Gap National Historical Park. The administration, protection and development of the park, would be delegated to the Secretary of the Interior and the National Park Service. (Mr. Flannigan, April 15, Committee on Public Lands).

Recreational Demonstration Projects. (H. R. 9620). Would authorize the Secretary of the Interior to convey or lease recreational demonstration projects to States or local governments, upon the condition that they be used for park, recreational and conservation purposes. Certain specified demonstration projects would also be transferred to nearby national parks. (Mr. DeRouen, May 1, Committee on Public Lands).

Great Smokey Mountains National Park. (H.R. 9679). Would authorize acceptance of additional lands for use in connection with this park when provided by public or private donation. (Mr. Jennings, May 7, Committee on Public Lands).

Adirondack National Recreational Area. (S. 3840). Would appropriate \$3,500,000 for the use of the National Park Service under the direction of the Secretary of the Interior, to be used in the development of the Adirondack Recreational Area in New York State. (Mr. Mead, April 24, Committee on Public Lands and Surveys).

National Park Revenues. (S. 3869). Beginning with the next fiscal year, this bill proposes that 25 percent of the money derived by the Federal Government from fees in connection with the operation of national parks, be paid to the State in which each area under the

Parks, cont.

administrative jurisdiction of the National Park Service, is situated. These contributions would in turn, be expended by the State for the benefit of counties in each area. (Mr. Hayden, April 26, Committee on Public Lands and Surveys).

Public Lands

Judicial Review. (H.R. 9708). Parties injured by actions taken through the Secretary of the Interior for disposition of any part of the Public Domain, involving proprietary rights and other direct and actual interests, would be permitted, within 30 days, to institute proceedings in the Circuit Court of Appeals for a complete review of the matter and a determination of the questions in issue. (Mr. Dempsey, May 8, Committee on the Judiciary).

Boulder Dam Power. (H.R. 9877 and S. 4039). Would authorize the Secretary of the Interior to promulgate and put into effect, charges for electrical energy generated at Boulder Dam, during the period from June 1, 1937 to May 31, 1987. Rates would be computed so as to provide sufficient net revenue from the project to accomplish the following purposes: (a) to meet the cost of operation and maintenance; (b) to repay to the Treasury with interest, the advances to the Colorado River Dam Fund; (c) payment of \$300,000 annually to each of the States of Arizona and Nevada; and (d) to provide the sum of \$500,000 annually for the Colorado River system. (Mr. Schrugam and Mr. Hayden, May 23 and 24, Committees on Irrigation and Reclamation).

Fires on Public Lands. (S. 3971). Would extend the prohibitions of the Criminal Code against setting fires to timber on Indian lands or in national parks and forests. It would increase the period of imprisonment from two to five years. It would also extend the prohibitions against failure to extinguish fires, to national parks and forests. (Mr. Ashurst, May 13, Committee on the Judiciary).

Water Utilization

Milk River Project. (S. 3942). Would authorize allocations from the 1940 Interior Department appropriation for the construction of pumping and distribution facilities and land development on the Saw Divide Unit of the Milk River Project. Amounts expended would be reimbursed to the United States by the water users of the Unit in not to exceed 40 annual installments. (Mr. Wheeler, May 8, Committee on Irrigation and Reclamation).

Financing Wells and Pumping Systems. (H.R. 9637). Would authorize the Secretary of Agriculture, to make advances for twenty years without interest, to farmers in arid and semi-arid areas, to enable them to finance the digging of wells and the acquisition, installation and operation of pumping systems. (Mr. Curtis, May 2, Committee on Agriculture).

Wildlife Restoration

Pittman-Robertson Act. (H.R. 9409 and S. 3739). Would amend this act so that all projects completed would become and remain the property of the State where they are located. (Mr. O'Connor, April 16; Mr. Wheeler, April 9; Committees on Agriculture and Forestry).

STATE LEGISLATIVE SESSIONS in 1940

Regular Sessions

Alabama - Recessed September 15, 1939 to reconvene June 25, 1940.
Kentucky - Convened January 2, adjourned March 14.
Louisiana - Convened May 13, now in session.
Mississippi - Convened January 2, adjourned May 13.
New Jersey - Convened January 9, now in session.
New York - Convened January 9, adjourned March 30.
Rhode Island - Convened January 2, adjourned April 24.
South Carolina - Convened January 9, adjourned June 8.
Virginia - Convened January 10, adjourned March 23.

Special Sessions

California - (Extraordinary) Convened January 29, recessed from February 25 to May 13; recessed again from May 24 to December 2.
(Second Extraordinary) Convened May 13, adjourned May 24.
Illinois - Convened April 30, adjourned June 5.
Louisiana - Convened January 20, adjourned January 25.
Maine - Convened May 23, recessed from June 7 to July 22.
Nebraska - Convened January 2, adjourned January 13.
Pennsylvania - Convened May 6, adjourned May 16.

GOVERNOR'S MESSAGES AND SPECIAL SESSION CALLS

Alabama. The regular session which convened on January 10, 1939, recessed on September 15, 1939 to reconvene on June 10, 1940. Principal business remaining to be transacted is the enactment of certain code revisions which have been in process of preparation during the recess period.

As a result of a recently adopted Constitutional Amendment, the Alabama Legislature will, in the future, meet every two years on odd numbered years; instead of every four years as in the past.

Illinois. Governor Henry Horner issued a proclamation on April 6 calling for a Special Session of the General Assembly to convene on April 30. Following is a list of points covered in the call:

(1) Proposal to increase old age pension awards from \$30 to \$40 maximum monthly.

(2) Proposal to decrease unemployment compensation taxes (to eliminate tax on employers of persons with salaries of \$3,000 or more), to conform with changes in the Federal law.

(3) Proposal to validate the tax levy of the Chicago sanitary district.

Governor's Messages, etc., cont.

(Illinois) - (4) Proposals to permit Alton to receive national cemetery funds.

(5) Proposals to permit the Cook County forestry district to acquire additional land.

(6) Validation of the Chicago aquarium and museum tax.

(7) Appropriation of funds to repay Illinois highway bonds.

(8) Permission for cities and counties to issue revenue bonds for construction of coal processing plants.

(9) Legislation to permit Centralia and Salem to erect a joint waterworks.

(10) Permission for a deficiency appropriation from the agricultural premium fund of \$46,357 for reimbursing county fairs.

(11) Appropriation of funds for expenses of the special session.

(12) Permission for passage of acts validating bonds issued by various governmental units.

Louisiana. Governor Sam Jones delivered his opening message to a Joint Session of the two houses of the State Legislature on the evening of May 20. The first point in the legislative program outlined for consideration during this regular biennial session, had to do with the reorganization of the 170 odd divisions in the executive and administrative branches of the State government. Specific recommendations were not contained in the address, but the Governor stated that he had secured experts to assist in the drafting of a reorganization bill for presentation within a short time.

The Governor made a number of rather specific recommendations along other lines, among which the following may be mentioned as pertaining especially to rural land use:

(1) Laws placing the Conservation Commission and Mineral Board on a sound business basis and improving the method of leasing State lands and water bottoms using open competitive bidding instead of sealed bids.

(2) An immediate repeal of the moratorium law, and transfer of the functions of the Commission to the district courts.

(3) Full acceptance of the Federal Housing program, urban and rural.

(4) Laws which will guarantee the leasing of all State lands for trapping and grazing purposes, direct to the trapper or cattleman and the confining of the land to that which can be utilized by the lessee.

(5) A "great program" for the restoration of wildlife through cooperation with Federal agencies.

(6) An extension of the State park system in cooperation with the Federal Government.

(7) An expanded Department of Agriculture.

(8) Improvement of the educational system.

(9) Consideration of reciprocal agreements between the States of Texas and Louisiana with respect to the production and taxation of sulphur.

Governor's Messages, etc., cont.

Pennsylvania. The Pennsylvania Legislature met in Special Session from May 6 to May 16 to consider ways and means of diverting sufficient funds to tide over the Department of Public Assistance until the next regular session. Five other major points included in the call, were as follows:

(1) Appropriations to provide aid to financially handicapped school districts.

(2) Appropriations to the Joint State Government Commission for the continuance of its work.

(3) Legislation necessary to conform to the provisions of the Unemployment Compensation Law to the new definition of wages in the Federal Internal Revenue Code, as amended.

(4) Legislation to permit the extension of the Pennsylvania Turnpike from Carlisle to Philadelphia.

(5) An amendment to the Pennsylvania Election Code to provide for the filling of vacancies occurring in the membership of the House or Senate when the General Assembly is not in session.

California. The Special Session which convened on January 29, met again on May 13 after having recessed on February 25. This session again recessed from May 24 to December 2. A second extraordinary session was called May 13 and continued in session until May 24, in order to consider new subjects not included in the call for the first special session. The two sessions met simultaneously.

Subjects considered at the second extraordinary session, include:

(1) An additional appropriation to the Reclamation Board for construction, land rights-of-way, easements and general administrative operations.

(2) An appropriation to the Emergency Fund for repair and restoration of property damaged or destroyed by storms and floods.

(3) Legislation for the acquisition and construction, maintenance and operation of a system of water conservation and utilization works on the Napa River and its tributaries.

(4) An appropriation to the Department of Natural Resources for forest fire suppression and prevention.

Maine. A special session convened on May 23. Legislation concerning unemployment compensation, legislation dealing with the automobile title law and legislation dealing with Maine's financial status, are the principal matters to be considered. Particular emphasis was given to the State's financial problems in Governor Lewis O. Barrow's opening message.

STATE LEGISLATION - BILLS INTRODUCED

Agriculture

Louisiana - Sugar Quota. (S.C.R. 6). Contending that the 1940 quota for sugar production in the State is 3,600 tons less than the 1904 production and that the 1909-1913 base period used in figuring the quota was one of severely adverse crop conditions; this resolution would memorialize Congress to permit Louisiana to produce a greater proportion of the continental sugar consumed. (Mr. LeBlanc).

Agricultural Marketing

South Carolina - Analysis of Agricultural Seed. (H. B. 541, S.B. 542). Proposes to require the inspection and analysis of agricultural seeds offered for sale within the State. Agricultural seeds are defined to include domestic grasses, cereals, clovers, vetches, alfalfas, peas, beans and other crops that may be successfully grown on "field scale." Anyone residing within the State would have the privilege of having samples of seeds tested free in the State seed laboratory, while non-residents would be charged a fee of \$2.00 for each purity test and \$1.00 for each germination test. Persons offering seed for sale within the State, or exporting seed, would be required to register with the Department of Agriculture and to pay an annual license tax ranging from \$2.50 to \$25.00, depending upon gross receipts from the business. Farmers, with the exception of seed breeders and seed farmers, would be excepted from both the licensing feature and the seed testing feature of the Act. (By Agricultural Committee, March 28, 1940).

South Carolina - Tax on Imported Eggs. (S. B. 1776). Proposes a tax of five cents per dozen on eggs shipped into the State of South Carolina. Authority to collect the tax would be delegated to the Tax Commission. (Mr. Burnett, May 8, 1940).

Governmental Cooperation

Louisiana - Cooperative Wildlife Agreements. (S.R. 18).. Would give State consent to congressional authorizations with respect to making rules and regulations for protecting and managing wildlife reserves purchased by the United States. The Commissioner of Conservation would be given the right to enter into cooperative agreements with Federal authorities and to prohibit hunting and fishing within the lands covered by the agreements. (Messrs. Fredericks, Stafford, Gay and James, May 20).

South Carolina - Federal Regulation of Game Animals. (S.B. 1460). Would authorize the consummation of cooperative agreements between the United States and the State Government with respect to applying Federal game regulations on all Federally owned lands within the State. (By the Game and Forestry Committee, March 27).

Government Organization

California - Validation of School District Organization. (S.B. 84). Alleging that many school districts have been established, enlarged or altered within the last several months, for the purpose of increasing educational facilities and that many of them have issued bonds for buildings, all of which action will in many cases, be of no avail because of minor defects and irregularities in the proceedings taken; this bill proposes their validation. (Mr. Swing, May 14).

Louisiana - Investigation of State Conservation Commission. (S.C.R. 2). Proposes the creation of a joint legislative committee to make a thorough investigation of each of the departments of the State Conservation Commission. (Mr. Hendrick, May 15).

Land Tenure

California - Exemption of Agricultural Workers. (S. C. R. 13). Proposes that the California Employment Commission be asked immediately to conform to the exemption granted by the Federal Government, with respect to collecting unemployment insurance taxes for agricultural workers. The California Employment Commission denied a request for adoption of the Federal rule on April 5, 1940, and it is alleged that a penalty is thus imposed upon California agriculture, since a majority of the other States have adopted the Federal rule. (Mr. Fletcher, May 14). (See also A.C.R. 21, May 14).

South Carolina - Recording Leases. (H.B. 2157). Would amend the State leasing laws so as to eliminate the requirement that leases for a longer term than 12 months must be recorded within 30 days in order to be valid. (Mr. Leppard, May 16).

Land Use Regulation and Development

California - Fire Prevention and Suppression. (S.B. 1 (2d)). Proposes an appropriation of \$883,608.50 for use by the Department of Natural Resources, in fire prevention and suppression work including the construction of fire trails and breaks and cooperative work with counties and other agencies. (Mr. Mixter, May 14). (See also A.B. 2 (2d), May 13).

South Carolina - Marking Forest Trees for Cutting. (H.B. 2161). Would authorize the State Commission of Forestry to mark and tally trees according to scientifically silvicultural practices preparatory to their being cut for lumber, veneer, poles and other forest product uses when so requested by the landowner. Landowners would be required to pay a fee of 10 percent of the sale price of stumpage so marked, within 30 days following the removal of the timber. On for-

Land Use Reg. & Dev., cont.

ested tracts in excess of 1000 acres, the owner would be required to pay 20 percent instead of 10 percent. (By Agricultural Committee, May 16).

Real Property Taxation

Illinois - Tax on Oil Production. (H.R. 23 - Special). Would impose a tax of five cents per barrel upon each barrel of oil produced in the State after July 1, 1940. Oil producers would be required to keep a daily log of each well operated and make a report to the Department of Finance on the fifteenth of each month. A penalty of one cent per barrel would be charged for failure to report or to pay the full amount of the tax when due. In the event of complete failure to report, the Department of Finance would be empowered to estimate the amount of production and to charge the tax plus penalty on that amount. Revenue from the tax would be deposited in the "Old Age Assistance Fund." (Messrs. Powell and O'Neill, April 20).

Illinois - Installment Payment of Taxes. (H.B. 35). Owners of real estate on which taxes were delinquent as of January 1, 1939, would be allowed to petition the county collector, on or before October 1, 1940, for the privilege of paying the amount due in five annual installments. In figuring this amount, penalties would not be included but any advertising costs as of January 1, 1939, would be. (Mr. Johnson, May 7).

Louisiana - Postponement of 1939 Tax Collections. (S.C.R. 1). Would authorize the postponement until October 15, 1940, of the payment of all ad valorem taxes assessed for the year 1939, in every parish in which an emergency exists due to prevailing economic conditions, floods, conflagrations, general destruction of crops or other public calamity. The police jury in each parish would be authorized to make the determination as to whether or not an emergency exists. (Mr. Cotton, April 15).

Water Utilization

California - Repairing Flood Damages. (S.B. 2 (2d)). Because of unprecedented storms and floods, during the year 1940, this bill proposes an additional appropriation of \$2,500,000 for the repair and restoration of property damaged or destroyed by floods and for remedial measures designed to avert future destruction in certain cities and counties, namely, City of Los Angeles, Redondo Beach, Santa Monica, Manhattan Beach, Long Beach, and County of Los Angeles. (Mr. Kenney, April 14).

Louisiana - Stream Pollution. (S.B. 26). Would penalize the introduction, into natural or artificial waters of the State, of salt water, oil field waste, noxious chemicals, paper mill refuse,

Water Utilization, cont.

sawdust, muddy water from gravel washing operations, the tops or limbs of trees and any other substance which tends to render the water less suitable for normal aquatic life, or which will in any way injure domestic and wild animals or birds using the water, or which will in any way promote unhealthful conditions for persons living in the vicinity. Each day that these harmful substances are allowed to pollute the water would be a separate offense and a separate daily offense would be committed for each parish into which the pollution is carried. Fines would range from \$100 to \$1000. (Mr. Stafford, April 22).

STATE LEGISLATION - LAWS ENACTED

Agriculture

South Carolina - Food Stamp Issuing Office. The Treasurer of Richland County is authorized to borrow \$7500 for the purpose of establishing a revolving fund for a commodity stamp issuing office. (Ratification No. 969, H. 1644, S. 1373, approved April 15, 1940).

Agricultural Marketing

New York - Indemnity for Condemed Animals. Existing statutory provisions are amended so that in figuring the amount of compensation to be paid to the owner of a cow killed to prevent the spread of tuberculosis or Bang's disease, the maximum payment of \$150 may be made for pure bred animals less than three years of age which are eligible for registration and upon which an application for registration has been filed prior to the date of appraisal. All un-registered animals over that age are to be paid for at the "grade" value. The age limitation was two years, prior to this amendment. (Ch. 93, S. 1993, approved March 6, 1940; Amends Subdivision 1 of Sec. 88, Ch. 48, Laws of 1922).

New York - Milk and Cream Containers. Containers for milk and cream may now be used in other than the half gallon, three pint, one quart, one pint, half pint and one gill sizes, previously allowed, if the odd size is approved by the Commissioner of Agriculture and Markets and if it is marked in accordance with his requirements. (Chap. 152, S. 1244, approved March 13; amends Sec. 191 of Chap. 48, Laws of 1922).

Virginia - "Virginia Quality Label" - The Director of the Division of Immigration and Markets is authorized to arrange for printing and distributing labels bearing an outline map of the State, the use of which is confined to those producers or processors whose operations are subject to continuous inspection on the part of Federal and State inspectors. (Ch. 255, S.B. 76; approved March 27, 1940).

Virginia - Produce Market Authorities. In cities of more than 30,000 inhabitants, the governing body may petition the Governor by resolution for the establishment of a produce market authority. Such an authority is a public corporation with a board of five directors appointed by the Governor from nominations made by the Director of the Division of Markets, the Director of the State Extension Service, the Mayor of the City, the wholesale dealers operating in the city and the agricultural agents in surrounding counties.

The authorities have full power to own land, construct necessary market facilities and make rules and regulations with respect to the operation of markets, including appointment of graders and classifiers. Grades promulgated under State or Federal law must be used whenever applicable.

Agricultural Marketing, cont.

The necessary powers for financing the construction projects through bond issues have been provided. Rentals and fees are to be fixed and readjusted from time to time so as to provide sufficient funds to pay the cost of maintaining, repairing and operating the market and the principal and interest of any outstanding indebtedness. A sinking fund for unusual expenses may also be accumulated but no one may derive any profit from the venture. (Ch. 257, S.B. 169, March 27, 1940).

Virginia - Milk Commission. A representative of milk distributors is substituted for one of the two producer representatives on the milk commission. The third member continues to be a disinterested party. The new distributor member is to be selected by the Governor on or before August 1, 1940. (Ch. 259, S.B. 192, approved March 27, 1940; amends Sec. 1211x, 1936 Code).

Government Organization

Virginia - Road Abandonment. When a new road takes the place of an old one, the county board of supervisors can abandon the old road by means of a simple resolution. The new road must first be approved by the State Highway Commission and the abandonment can only apply to the extent that the old road is replaced. (Ch. 237, H.R. 264, March 27, 1940).

Governmental Cooperation

New York - Consent to Federal Acquisition. Consent of the State is given to acquisition of land by the Federal Government outside the statutory boundaries of the Adirondack and Catskill parks to be used for the establishment of forestry and wildlife management areas. These lands must be acquired before July 1, 1940, although lands under purchase contract, or upon which condemnation proceedings have been started, will be considered to have been acquired within the meaning of the Act. (Ch. 715, S. 2305, approved April 23, 1940; adds a new section to Art. 2 of Ch. 647, Laws of 1911).

New York - State Rural Rehabilitation Corporation. The State Corporation is directed to transfer its assets to the Federal Government in order that their administration may be coordinated with other activities of the United States Department of Agriculture through the Farm Security Administration. Any funds transferred or later realized from assets and property transferred, are to be held in the United States Treasury as a trust fund to be continuously available for rural rehabilitation purposes in the State of New York only. Should the Federal Government cease to carry on the rural rehabilitation program in the State, any assets thus remaining in the United States Treasury after liquidating claims would revert to the State, and

Govt. Cooperation, cont.

would then be subject to appropriation by the legislature. When this procedure has been followed, the corporation will be dissolved by filing a formal certificate in the office of the Secretary of State. (Ch. 723, S. 2340, approved April 24; adds a new section to Ch. 526, Laws of 1935).

Land Tenure

New York - State Mortgage Commission. Effectiveness of the act creating the State Mortgage Commission to deal with problems of distressed holders of mortgage investments has been extended to July 1, 1941. (Ch. 563, A. 1344, approved April 17, 1940; amends Ch. 19, Laws of 1935).

South Carolina - Landlord-Tenant Relationships. Pointing out that a majority of farmers in South Carolina are tenants and that a large percent move their places of residence every year, the legislature requests that the Extension Department of Clemson College make a study and report on the farm tenancy problem. (H. Res. 1893, adopted April 18, 1940).

Land Use Regulation and Development

Virginia - Noxious Weeds Along State Highways. The planting of "devils shoestring," "Johnson grass" or "barberry" along State Highways by the State Highway Commission, presumably for the purpose of protecting the grade from erosion, is now forbidden in counties where the Board of Supervisors has declared that these weeds are injurious to adjacent property. While the State Highway Commission is expected to destroy any of the above weeds that it has previously planted, the owners of lands adjacent to the roads may lawfully destroy these or any other plants which are or may become injurious to their property. (Ch. 219, H.B. 332, approved March 16, 1940).

Planning and Zoning

Virginia - Outdoor Advertising. Certain sections of the 1938 Outdoor Advertising Law have been re-written. The most significant changes are as follows: (1) the definition of advertising is broadened to include political advertising; (2) the fee system is revised on a scalar basis from 50¢ to \$3.00 on signs of less than six hundred square feet and an additional \$1.00 for each two hundred square feet above six hundred; (3) transfers of licenses and permits to successor concerns will be issued upon payment of 25 percent of the original license; (4) no posting of signs is to be allowed on buildings, walls, fences or rocks unless they are covered by a permit; and (5) advertising cities, counties, historic places or shrines without the consent of the place advertised is prohibited. (Ch. 234, S.B. 202, approved

Planning and Zoning, cont.

March 26, 1940; amends Sec. 2154 (238) et seq., 1938 Supplement to the 1936 Code).

Public Lands

New York - Communal Forests. Grants additional power to the governing bodies of political subdivisions to sell the produce of their communal forests. (Ch. 249, A. 2394, approved March 30, 1940; amends Subdivision 3, Sec. 60, Ch. 647, Laws of 1911).

New York - Disposal of Unnecessary Property. Any real or personal property belonging to an improvement district which is not needed by it may be either sold or leased after a public hearing before the board of the town in which the district is located. Receipts from the sale or lease are to be paid to the supervisor of the town and credited to the district for expenditure in connection with any lawful purpose. (Ch. 365, S. 2401, approved April 10, 1940; adds a new subdivision to Sec. 198, Ch. 634, Laws of 1932).

New York - Acquisition of Lands by Park Districts. After the establishment of a park district and acquisition of the property described in the original petition, the town board may, upon receipt of the supplementary petition, acquire additional property for park uses. It is necessary that the board hold a hearing on the petition before it takes its final decision and then, after the hearing and after taking an affirmative decision, the board must file an application in the office of the State Department of Audit and Control for permission to acquire the additional property. (Ch. 702; A. 2623, approved April 22, 1940; adds a new section to Ch. 634, Laws of 1932).

New York - Permanent Snow Fences. County Boards of Supervisors are authorized to acquire lands for perpetual easements along State and county highways in order that trees or shrubbery may be planted, and that permanent living snow barriers may thus be grown. The costs of rights of way or easements are to be met in the same way that rights of way are now paid for on State and county highways. The cost of furnishing, planting and maintaining the trees and shrubbery is to be met as though it were a cost chargeable to snow removal. (Ch. 836, A. 1901; adds a new subdivision to section 30 of Ch. 63, Laws 1936).

Real Property Taxation

New York - Priority of Tax Liens. In the absence of local laws with respect to the priority of tax liens held by particular taxing districts, tax liens which attach in any given year are superior to those attaching in preceding years. Likewise, in the absence of special or local laws with respect to particular districts, all tax liens which become liens against the same parcel of property in the same

Real Property Taxation, cont.

year rank on a parity. This law does not apply in Erie County. (Ch. 303, A. 2912, approved April 18, 1940; adds Article IV-B to Ch. 62, Laws of 1909).

New York - Tax Limitations. Whenever counties, cities or villages pay for capital improvements by direct budgetary appropriation or by issuing short term certificates of indebtedness, the amount of taxes to pay the appropriation or liquidate the indebtedness may be excluded in whole or in part from the Constitutional tax limitation. In so doing, the total amount required will be considered as indebtedness to the same extent as though the financing had been done through bonds payable in equal annual installments over the period of the probable usefulness of the capital improvement involved. (Ch. 592, A. 1791, approved April 17, 1940; adds a new section to Ch. 29, Laws of 1909).

Soil Conservation Districts

New York - New State Enabling Act. A Soil Conservation Committee is established in the New York State College of Agriculture. Membership on the committee consists of the State Director of Extension Service, the Dean of the State College, and three practical farmers to be appointed by the Governor. One of these farmers is to be appointed from a list of nominees submitted by the State grange, one from a list submitted by the State Farm Bureau Federation and the other is to be appointed at large. The Extension Director and the Dean of the College may designate their assistants to serve on the committee. Notices of meetings must be sent to the State Commissioner of Agriculture and Markets and the State Conservation Commissioner in order that they may lend assistance in connection with subjects that relate to their fields of interest.

County Boards of Supervisors, when they have determined that soil conservation is a problem of public concern in the county and that a substantial proportion of rural land occupiers are favorable, may adopt a resolution declaring the county to be a soil conservation district. The determinations may be made through hearings, petitions, referenda or any other means which the county board deems appropriate. When a county has been declared to be a district, the county board must appoint five directors, two of whom are to be members of the county board. Three of the members are to be farmers, one appointed from a list submitted by the county grange, one from a list submitted by the county farm bureau and one from the county at large.

Districts have the usual powers assigned to similar organizations in other States as prescribed in the "Standard Act" with the exception that no provision is made for adopting land use regulations. (Ch. 727, A. 2397, approved April 23, 1940).

New York - County Appropriations. County Boards of Supervisors are authorized to appropriate money for the general improvement of agriculture and for expenses of creating and maintaining soil conser-

Soil Conservation Districts, cont.

vation districts. Conservation District Boards must file with the Board of Supervisors an annual report of their work. (Ch. 729, S.2077, approved April 23).

Water Utilization

New York - Whitney Point Dam and Reservoir. Official consent is given to the conveyance by the State to the United States of title and interest in any land previously or hereafter taken over by the State for the construction of a dam and reservoir on the Otselic River at Whitney Point. This dam and reservoir is a part of the flood control project for "Southern New York and Eastern Pennsylvania" adopted and authorized by the 1936 Flood Control Act. (Ch. 210, S.17, amends Subdivision 15, Sec. 7, Ch. 862, Laws of 1936).

New York - Seepage Basins. When the owners of swamp, bog, pond or other low agricultural land find that it is necessary to construct drains, ditches or dykes on the land of adjoining owners, they may--- according to an old law---petition the conservation commission to determine the necessity for such drainage and then to ascertain the compensation which should be paid to the adjoining landowner. The nature of permitted constructions under the old law is broadened by this amendment to include "seepage basins." (Ch. 58, A. 1120, approved February 27, 1940; amends Sec. 495, Ch. 647, Laws of 1911).

New York - Exchange of Lands and Waters. In order to facilitate acquisition of land by the superintendent of public works for use in the development of canals, he is authorized to exchange lands and waters no longer necessary for the canal system for those that need to be acquired. Lands and waters to be acquired must be of at least equal value to those exchanged. (Ch. 184, approved March 18, 1940; added Sec. 43 to Ch. 542, Laws of 1939).

New York - Flood Control Projects. Official consent is given to the conveyance by the State to the United States of title and interest in any land previously or hereafter taken over by the State for the construction of dams and reservoirs on the Canisteo River, the Canacadea Creek, the Ouleout Creek, the Charlotte Creek, the Butternut Creek, and the Otego Creek. These construction projects are all a part of the Southern New York and Eastern Pennsylvania Flood Control project authorized by the 1936 Flood Control Act. (Ch. 547, S. 2468, approved April 15, 1940; amends Ch. 862, Laws of 1936).

New York - State Flood Control Commission. The temporary State Commission created in 1936 to assist in the institution and consummation of a federal long-range program of flood control and regulation of flood waters within the State has been given a new lease on life extending to April 30, 1941; at which time it is expected to report to the Legislature. The life of the commission was previously

extended to April 30, 1940 by an act of the 1939 Legislature. (Ch. 577, A. 18, approved April 17, 1940; refers to Ch. 16, Laws 1936).

Virginia - Highways Flooded by Impounded Waters. A procedure is set up whereby cities or towns owning their own water systems and being in need of increased storage facilities can relocate secondary State highways which would otherwise be flooded. In brief, having decided upon the nature of construction work to be performed, dams to be built and areas to be flooded, the municipality certifies their plans to the board of supervisors of the county in which most of the highway relocating must take place. The board must consider the matter within 30 days and propose and publish an ordinance approving or disapproving. In the event of disapproval, the municipality can appeal to the circuit court.

If the project receives final approval, the municipality must submit plans for relocating the highway to the State Highway Commission. When these have been approved, the municipality proceeds to condemn the necessary land, construct the road and turn it over to the State as a part of the secondary highway system; all at the expense of the municipality. (Ch. 235, H.B. 229, approved March 27, 1940).

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